

gather feedback information representative of constituency response to said constituency nodes accessing said communication interfaces,

process and analyze said gathered feedback information and, in response thereto, to at least one of modify ones of said data files and report results thereof to said company node, and

limit access, with respect to those data files associated with said company node, to designated personnel of said company nodes.

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**REMARKS:**

Claims 1-20 are pending in this Application.

Claims 1-20 have been rejected by the Examiner in this Application.

Claims 1, 7-9, 11 and 17-20 have been amended in this Amendment and Response under 37 C.F.R. §1.111.

Claims 1-20 remain in this Application.

In Section 1 of the Office Action, the Examiner objected to the Specification because of a syntactical informality that the Examiner identified in Background of the Invention, namely, the Applicants repeated the term “via” in succession. The Applicants thank the Examiner for his review and has amended the Specification as required by the Examiner.

In Sections 2-3 of the Office Action, the Examiner rejected Claims 1-5, 8-15 and 18-20 under 35 U.S.C. §102(a) as being anticipated by United States Patent No. 6,393,410 (hereafter “*Thompson*”). The Applicants amended certain claims of this Application to address the Examiner’s concerns.

The Applicants acknowledge that *Thompson*’s teachings are broadly directed to an electronic commerce system for use over a global communications network, such as the Internet.

Particularly, Thompson is directed to a process for estimating construction projects over the global network. The *Thompson* construction bidding scheme enables a party controlling a construction project to post a request for a proposal for all or a portion of the construction project. In response to such posting, contractors, sub-contractors or the like can offer responses to such requests for proposals. These responses may respond completely or incompletely to their respective requests. According to *Thompson*, the controlling party or some agent thereof may have supervisory control over acceptance or rejection of the response or portions thereof.

It is axiomatic that a prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *See, In re King*, 231 U.S.P.Q. 136, 138 (Fed. Cir. 1986) (citing with approval, *Lindemann Maschinenfabrik v. American Hoist and Derrick*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)); *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

One of the broadest claims in this Application is Claim 1, which , as amended, reads as follows:

1. For use over a global communications network having company nodes and constituency nodes associated therewith, an electronic commerce system comprising:

a data repository that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with company information; and

a communications controller that is operable to

- (I) propagate communication interfaces accessible by said constituency nodes with selected portions of said company information under direction of said company nodes, and
- (ii) gather feedback information representative of constituency response

*to said constituency nodes accessing said communication interfaces.*  
(emphasis added.)

The *Thompson* references does not provide, teach or suggest the Applicants' electronic commerce system having (I) a data repository populated with *company information* by the company nodes, nor (ii) a communications controller operable to propagate communication interfaces accessible by constituency nodes *with selected portions of the company information under direction of the company nodes*, or to *gather feedback information representative of constituency response* to the constituency nodes accessing said communication interfaces.

As set forth in the Summary of the Invention of this Application, a primary object hereof is to provide an electronic commerce system for monitoring communication of information by a company node to constituency nodes and analyzing constituency understanding and reaction to such information communication. The communications controller (and associated data repository), advantageously provide an interactive system that enables the company to generate and near-continuously communicate company information to its constituency via the global communications network. Stated differently, an important aspect of one such embodiment is the ability of the company node to control when publication (e.g., to fairly disseminate, distribute or otherwise make available) of at least selected portions of the company information stored in the data repository is available to the constituencies. This may advantageously be accomplished through the communications controller.

*Thompson* fails to anticipate the Applicants' invention as recited in Claim 1 (and Claims 2-5 and 8-10 depending from Claim 1). In relation to the differences between Claim 1 and *Thompson*, Claims 11 and 20 may be said to include analogous limitations to those found in Claim 1, and, as such, are also not anticipated by *Thompson* (and Claims 12-15, 18 and 19 depending from Claim 11).

The Applicants respectfully request withdrawal of the §102(a) rejection of Claims 1-5, 8-15 and 18-20.

In Sections 4-5 of the Office Action, the Examiner rejected Claims 6, 7, 16 and 17 under 35 U.S.C. §103 as being unpatentable over *Thompson* in view of United States Patent No. 5,729,694. As described above, Claims 1 and 11 are patentable over the cited art. As a result, Claims 6, 7, 16 and 17 are patentable due to their dependence from allowable base claims. Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejection of Claims 6, 7, 16 and 17.

## SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this Application be passed to issue. It is believed that no additional fees are beyond the fee for the requested extension of time. If any additional fees are due by virtue of this Amendment and Response, such fees should be charged to Davis Munck Deposit Account No. 50-0208. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at [wmunck@davismunck.com](mailto:wmunck@davismunck.com).

Respectfully submitted,

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